

REMARKS

Claim 1 has been amended. Claims 22-44 have been withdrawn. No claims have been added or deleted. With entry of this Amendment, claims 1-21 are pending in the case.

The Applicants believe that the present Amendments, and accompanying Remarks, have placed the present Application in condition for allowance. Accordingly, timely and favorable action is respectfully requested.

Provisional Obviousness-Type Double Patenting

The Examiner has provisionally rejected claims 1-6, 8, 11 and 13-21 of the present Application under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims of co-pending Application No. 09/774,557 ("the '577 Application").

The '577 Application was abandoned on August 9, 2005 and replaced with Divisional Application No. 11/138,097 ("the '097 Application"). The '097 Application was filed on May 26, 2005 and recites only method claims. The present Application recites composition claims. Therefore, withdrawal of this rejection is respectfully requested.

Rejections under 35 USC § 102(b) and 35 U.S.C. § 103(a) over Vos

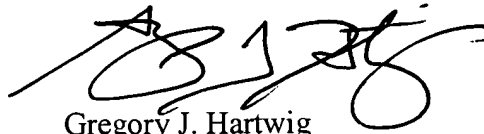
The Examiner has rejected claims 1-6, 8, 11, 13-17 and 19-21 under 35 USC § 102(b) as being anticipated by WO Patent Number 99/12895 to Vos et al. ("Vos"). The Examiner has also rejected claims 1-6, 8, 11 and 13-21 under 35 USC § 103(a) as being obvious over Vos. The Applicants have amended claim 1 to remove H from the definitions of R₃ and R₄ therein. Amended claim 1 now defines R₃ and R₄ to be only OR¹⁰, SR¹⁰ and OH, with the proviso that both R₃ and R₄ are not OH. In contrast, Vos defines R₃ and R₄ as being only H, CH₃ and C₂H₅. Accordingly, Vos does not teach or suggest the subject matter of independent claim 1. Reconsideration and withdrawal of the rejections to claims 1-6, 8, 11, 13-17 and 19-21 under 35 USC §§ 102(b) and 103(a) are respectfully requested.

Dependent claims 2-6, 8, 11 and 13-21 depend from claim 1, and therefore, are allowable. In addition, these claims may contain additional patentable subject matter for reasons not delineated herein. Reconsideration and allowance of these claims are respectfully requested.

CONCLUSION

In view of the foregoing, consideration and allowance of claims 1-21 are respectfully requested. The Examiner is strongly encouraged to contact the undersigned by telephone at the Examiner's convenience should any issues remain.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'G. J. Hartwig', with a stylized flourish at the end.

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